



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2900 FAX (603) 271-2456



March 13, 2003

Mr. John Gay  
North Country Environmental Services, Inc.  
3 Pitkin Court  
Montpelier, VT 05602

**Subject: Standard Permit No. DES-SW-SP-03-002 and Waiver Request Denial  
for North Country Environmental Services Stage IV Development,  
Located at Trudeau Road, Bethlehem, NH**

Dear Mr. Gay:

Enclosed herewith is Standard Permit No. DES-SW-SP-03-002 which authorizes the footprint of the Stage IV Development at the above noted location. This permit is issued by the New Hampshire Department of Environmental Services, Waste Management Division (Department) pursuant to the provisions of RSA 149-M:9 and Part Env-Wm 314 of the New Hampshire Solid Waste Rules (Rules), as adopted October 27, 1997 and amended December 1, 1998, March 31, 2000, and August 12, 2000.

The waiver request to develop Stage IV over Stage I without a leak detection system designed in conformance with Env-Wm 2505.07 has been denied. The Department believes that the criteria for waiver in Env-Wm 202.04 have not been met. Development over Stage I may be accomplished per Permit Condition 5.(b).

Please carefully review all terms and conditions of the permit, including all rules that are cited therein. If there are any questions concerning any requirement, please contact this office for clarification. It is important that you clearly understand all requirements.

At this time, your attention is specifically directed to Env-Wm 2804.01(a)(1)b. which requires the permittee to obtain approval for the applicable design plans and specifications for construction pursuant to the provisions of a type II permit modification.

Please maintain a copy of this permit with your facility file records for future reference and conspicuously post a copy of the permit at the facility. In addition, you should have available a full copy of the New Hampshire Solid Waste Rules for reference in correctly administering the provisions of your permit. Copies of the Rules are available from the Public Information & Permitting Office at (603) 271-2975 or on the Department's website at [www.des.state.nh.us](http://www.des.state.nh.us).

Questions regarding the issuance of this permit may be directed to me at (603) 271-6467.

Sincerely,

Michael E. Guilfoyle, P.E., Acting Section Supervisor  
Permitting & Design Review Section  
Waste Management Division

Enclosure: Solid Waste Management Facility Standard Permit No. DES-SW-SP-03-002

cc: Richard Reed, SWMB / SWMB files

PIP

Town of Bethlehem

Solid Waste Management District Member Towns:

- Town of Dalton
- Town of Easton
- Town of Franconia
- Town of Lancaster
- Town of Littleton
- Town of Sugar Hill

Scott Shillaber, P.E.; Sanborn, Head & Associates



## SOLID WASTE MANAGEMENT FACILITY STANDARD PERMIT

as authorized by the  
NH Department of Environmental Services, Waste Management Division (Department)  
pursuant to RSA 149-M and Part Env-Wm 314 of the New Hampshire Solid Waste Rules (Rules)

### I. PERMIT/FACILITY IDENTIFICATION:

**Permit No.:** DES-SW-SP-03-002

**Permittee:** North Country Environmental Services, Inc.

**Facility Name:** North Country Environmental Services Stage IV Development

**Facility Location:** Trudeau Road, Bethlehem, NH; Tax Map 419, Lot No. 1.

**Facility Description:** The Stage IV Development is a double lined landfill for the disposal of the types of waste listed in Condition 7(d) of the permit and as may be amended subsequent to the issue date of this permit. The footprint will consist of 11.05 acres located to the north of Stages I and II and will be developed in two phases. Stage IV will be constructed adjacent to and will tie into the liner system of Stages I and II. The facility has a capacity of 2,050,000 cubic yards with a life expectancy of 10.5 years.

**Facility Type:** Lined Landfill

**Service Type:** Commercial

### II. FILE REFERENCE/RECORD OF APPLICATION:

**Date(s) Received:** April 03, 2002; June 28, 2002; August 14, 2002; February 28, 2003

**WMD Log #(s):** 200200068; 200200191; 200200192; 200300057

### III. TERMS AND CONDITIONS: The permittee shall comply with the requirements of RSA 149-M, the New Hampshire Solid Waste Rules, Env-Wm 100-300 & 2100-3700 (Rules) and the attached terms and conditions, as amended.

### IV. AUTHORIZATION: Pursuant to RSA Chapter 149-M and Env-Wm 314, this permit is hereby issued to the permittee as identified in Section I above to construct and operate the solid waste management facility identified in Section I above, subject to the terms and conditions in Section III above. This authorization is based on information and representations provided to the Department by the permittee, in documents referenced in Section II above. If the information is false, misleading or incomplete, the permit may be revoked or suspended in accordance with Env-Wm 306.

**BY EXERCISING ANY RIGHTS UNDER THIS PERMIT, THE PERMITTEE HAS AGREED TO ALL TERMS AND CONDITIONS OF THE PERMIT.** Failure to comply with these terms and conditions could result in civil or criminal penalties, suspension or revocation of the permit. No liability is incurred by the State of New Hampshire by reason of any approval of this solid waste facility. Approval by the Department is based on plans and specifications supplied by the permittee. No warranty/guarantee is intended or implied by reason of any advice given by the Department or its staff.

This permit shall not eliminate the permittee's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility.

Philip J. O'Brien, Ph.D. (P.G.) Director  
Waste Management Division

March 13, 2003  
Date

## TERMS AND CONDITIONS

1. **Citations and Definitions:** This permit has been prepared on the basis of the New Hampshire Solid Waste Rules, Env-Wm 100-300 & 2100-3700 (Rules), as adopted on October 29, 1997 and amended December 1, 1998 and March 31, 2000. Accordingly, the meaning of specific terms in this permit conform to the definitions set forth in Env-Wm 102.
  
2. **General Requirements:**
  - (a) This facility shall comply with the requirements of RSA 149-M, the Rules, as may be amended from time to time, and the terms and conditions of this permit.
  - (b) The development and operation of this facility is expected to conform to the proposal submitted in the permit application documents cited by Condition 3 of this permit.
  - (c) Where conflicts may exist between the proposal represented in the permit application and the terms and conditions of this permit, the terms and conditions of this permit shall apply.
  
3. **Basis of Approval/Supporting Documentation:** This facility is permitted on the basis of information provided by the permittee in permit application documents identified as follows:
  - (a) Standard Landfill Permit Application documents prepared by Sanborn, Head & Associates, Inc. (SHA) on behalf of North Country Environmental Services, Inc. (NCES) (ref: WMD Log # 200200068; received April 03, 2002);
  - (b) Completeness review comment response (ref: WMD Log # 200200191; received June 28, 2002)
  - (c) Notice of Filing return receipts (ref: WMD Log # 200200192; received August 14, 2002); and
  - (d) Response to technical review (ref: WMD Log # 200300057; received February 28, 2003).
  - (e) Written and oral testimony received at and subsequently to the October 8, 2002 public hearing.
  
4. **Facility Specific Siting Requirements:**
  - (a) This facility shall be sited in compliance with the following requirements, as in effect on the issue date of this permit:
    - (1) The landfill siting requirements identified in Env-Wm 2504;
    - (2) The universal siting requirements identified in Env-Wm 2703;
    - (3) The additional siting requirements identified in Env-Wm 2802; and
    - (4) All terms and conditions of this permit.
  - (b) The footprint of this facility shall be as shown on design plan sheet no. 1 of 28 (entitled "Stage IV Design North Country Environmental Services, Inc. Bethlehem New Hampshire Overall Site Plan") in the permit application documents.
  
5. **Facility Specific Design Requirements:**
  - (a) This facility shall be designed in compliance with the following requirements, as in effect on the issue date of this permit and as may be amended subsequent to the issue date of this permit:
    - (1) The landfill design requirements identified in Env-Wm 2505;
    - (2) The universal design requirements identified in Env-Wm 2704;
    - (3) The additional design requirements identified in Env-Wm 2803; and

- (4) All terms and conditions of this permit.
  - (b) Development over Stage I shall incorporate a liner and leak detection system in conformance with all applicable requirements of Env-Wm 2505. If a liner system is placed over Stage I, the permittee shall submit a settlement monitoring plan designed to monitor the performance of the liner system over Stage I. Such plan shall include:
    - (1) Monitoring the actual settlement of the liner system over Stage I; and
    - (2) Calculating and/or monitoring the actual strain in the liner system.
6. **Facility Specific Construction Requirements:**
- (a) This facility shall be constructed in compliance with the following requirements, as in effect on the issue date of this permit and as may be amended subsequent to the issue date of this permit:
    - (1) The landfill construction requirements identified in Env-Wm 2505;
    - (2) The additional construction requirements identified in Env-Wm 2804; and
    - (3) All terms and conditions of this permit.
  - (b) Prior to commencing construction of this facility, or any phase or portion thereof, the permittee shall:
    - (1) Obtain approval for the applicable design plans and specifications pursuant to the provisions for a Type II permit modification in Env-Wm 315;
    - (2) Obtain approval for preliminary plans to close the facility as though the phase being constructed is the terminal phase; and
    - (3) After complying with (1) and (2) above, file a notice of intent to construct as specified in Env-Wm 2804.02.
    - (4) The Applicant shall submit for Department approval, a scope of work for assessment and potential removal of soil north of Stage I by evaluating the presence and extent of residual contamination in vadose zone soils.
7. **Facility Specific Operating Requirements:**
- (a) **Facility Type:** This facility shall function as a landfill in accordance with the provisions of Env-Wm 2500, for the solid waste specified in Conditions 7(d) and 7(e) below.
  - (b) **Facility Capacity:** The physical limits of this facility shall be as shown on Figure 6 of WMD Log # 200300057 (entitled "Stage IV Overlay Area Plan") in the permit application documents, which provides for the following anticipated capacity:
    - (1) The in-place volume of wastes to be received at this facility is estimated to be 2,050,000 cubic yards which, based on current landfilling practices, is estimated, by the permittee, to equate with 1,476,000 tons. The actual tonnage may be different, depending on such factors as actual waste composition, compaction effort, settling, and daily cover practices.
    - (2) The expected tonnage to be received at the facility on a yearly basis is 140,000 tons per year, on average annually, subject to the requirements of Condition 7(f) below.
    - (3) The facility life expectancy is 10.5 years minimum, subject to the requirements of Condition 7(f) below.
  - (c) **Service Type and Area:** This facility is a commercial facility, as defined by Env-Wm 102.37.

- (d) **Authorized Wastes:** This facility is authorized to accept the following types of solid waste only, except if restricted by Condition 7(e) below:
- (1) Municipal solid waste, as defined by Env-Wm 102.108;
  - (2) Construction and demolition debris, as defined by Env-Wm 102.42; and
  - (3) Other solid wastes, as listed below, which have been determined to be non-hazardous pursuant to Env-Wm 502 and which have received written approval of the Department before being accepted. Approval by the Department shall be based on information provided by the permittee that identifies the source, type, quantity, physical characteristics and analytical characteristics of the waste.
    - a. Waste from industrial processes;
    - b. Waste from pollution control processes including but not limited to water and wastewater treatment sludges and air pollution control residues;
    - c. Residue from a spill of a chemical substance or commercial chemical product or a waste listed above;
    - d. Commercial products which are off-specification, outdated, or unused;
    - e. Waste produced during the demolition or dismantling of industrial process equipment;
    - f. Ash managed in accordance with Env-Wm 2602;
    - g. Contaminated soils and media managed in accordance with Env-Wm 2603; and
    - h. Other non-hazardous solid waste not specifically identified above that requires special handling prior to disposal. For example, wastes with excessive moisture content, fine particulate (i.e., dusty) wastes, and any waste that is not identifiable prior to analytical characterization.
- (e) **Prohibited Wastes:** This facility is not permitted to accept:
- (1) Hazardous wastes as defined by RSA 147-A:2 and the New Hampshire Hazardous Waste Rules, including hazardous waste from out-of-state conditionally exempt small quantity generators;
  - (2) Asbestos waste as defined in Env-Wm 102.14;
  - (3) Untreated infectious waste;
  - (4) Contained gaseous waste;
  - (5) Liquid wastes (i.e., waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846));
  - (6) Wet cell batteries;
  - (7) Leaf and yard wastes;
  - (8) Whole tires;
  - (9) White goods;
  - (10) Radioactive materials as defined and regulated by the New Hampshire rules for the control of radiation, He-P 2000 and He-P 4000; and
  - (11) Solid wastes identified in Condition 7(d)(3) that have not received prior written approval from the Department.
- (f) **Determination of Public Benefit:** As required by RSA 149-M:11, III and V, the Department has reviewed the projected 20 year solid waste disposal capacity needs for the state of New Hampshire in the short-term and the long-term on the date of permit issuance; the type, size, and location of the facility; the extent to which this facility can satisfy that need; and waste diversion activities of the applicant as outlined in its

application. Based on this review, the Department has determined that this facility can provide a substantial public benefit, as required by RSA 149-M:11, X, if facility operations conform to the following conditions:

- (1) As represented by the permittee in the permit application, the permittee shall operate this facility in a manner that provides 10.5 or more years of disposal capacity for New Hampshire solid waste generators. Although facility capacity may be depleted at a variable rate over the life of the facility, the permittee shall control the capacity depletion rate so as to fulfill the 10.5-year requirement in good faith, which shall preclude operating the facility at token capacity levels in order to achieve 10.5 years of life.
- (2) The permittee shall operate this facility in a manner that will assist in achieving the implementation of the hierarchy and goals under RSA 149-M:2 and 3 as required by RSA 149-M:11, III(b) and shall avoid to the extent possible the disposal of recyclable material in the landfill.
- (3) In its annual report (as required by Env-Wm 2805.07(b)), the permittee shall provide a capacity availability analysis that identifies the remaining facility life span based on current and historic rates of use and the total projected life of the facility.
- (4) If the total projected life identified in any annual report is less than 10.5 years, the permittee shall identify measures to be taken to adjust facility operations to provide at least 10.5 years of total facility life.
- (5) In its annual report, the permittee shall provide information to clearly demonstrate:
  - a. How facility operations have assisted and will continue to assist the State in achieving the hierarchy of waste management methods and goals of RSA 149-M:3; and
  - b. How facility operations have complied with the requirements of RSA 149-M:2.
- (6) If the Department is not satisfied that the information provided by the permittee per paragraphs (4) and (5) above meets the requirements of RSA 149-M:11, the Department may, in accordance with Env-Wm 306, take one or more of the following actions:
  - a. Set a maximum disposal rate for the facility, subject to annual readjustment based on remaining facility capacity and actual capacity need projections; and/or
  - b. Stipulate other appropriate controls for assuring that the facility continues to provide a substantial public benefit.
- (g) This facility shall operate in compliance with the following requirements, in effect on the issue date of this permit and as may be amended subsequent to the issue date of this permit:
  - (1) The landfill operating requirements identified in Env-Wm 2506;
  - (2) The universal operating requirements identified in Env-Wm 2705;
  - (3) The additional operating requirements identified in Env-Wm 2805; and
  - (4) All terms and conditions of this permit.
- (h) Prior to commencing operation of this facility, or any phase or portion thereof, the permittee shall:

- (1) Assure financial responsibility for facility closure in accordance with the provisions of a financial assurance plan approved pursuant to the provisions for a type II permit modification in Env-Wm 315 and by submitting all original signed financial assurance documents required to verify the plan has been implemented and is in effect;
- (2) Complete facility construction in accordance with all applicable construction requirements and submit all construction status reports, including construction inspection reports, as specified in Env-Wm 2804.07; and
- (3) After complying with (1) and (2) above, file a notice of intent to operate as specified in Env-Wm 2805.02.

8. **Facility Specific Closure Requirements:**

- (a) Closure of this facility shall comply with the following requirements, as in effect on the issue date of the permit and as may be amended subsequent to the issue date of the permit:
  - (1) The landfill closure requirements identified in Env-Wm 2507;
  - (2) The universal closure requirements identified in Env-Wm 2706;
  - (3) The additional closure requirements identified in Env-Wm 2806; and
  - (4) All terms and conditions of this permit.

9. **Facility Specific Financial Assurance Requirements:**

- (a) The permittee shall comply with the financial assurance requirements for closure and post-closure of the landfill identified in Env-Wm 3100, as in effect on the issue date of this permit and as may be amended subsequent to the issue date of this permit.
- (b) Prior to commencing any modified operation of this facility, or any phase or portion thereof, the permittee shall assure financial responsibility for facility closure in accordance with the provisions of an approved financial assurance plan.